

AMENDMENT UNDER 37 C.F.R. § 1.114(c)
U.S. Application No.: 10/516,532

Attorney Docket No.: Q104936

AMENDMENTS TO THE DRAWINGS

FIG. 2A has been amended to show a “black box” lock L locking the base 18 to the body
10.

Attachment: Replacement Sheet

REMARKS

Claims 1-31 are all of the pending claims. Claim 1 is the only independent claim.

Interview

As an initial matter, Applicant respectfully requests a personal or telephone interview with the Examiner to discuss this response. The Examiner is kindly requested to contact the undersigned at the telephone number listed below.

Drawing Objection

The Examiner has objected to the drawings. Applicant requests the Examiner to withdraw the drawing objection in view of the amendments and remarks discussed below.

First, the Examiner asserts that the proposed drawing correction contains new matter. Thus, in response, Applicant has submitted a Replacement FIG. 2A that includes only the additional features of a “black box” spring S and a “black box” lock L. Because only “black box” features have been added, no new matter has been added.

Moreover, the Examiner asserts that the “closing mechanism” of claim 4 has not been adequately depicted. In response, Applicant respectfully points out to the Examiner that the spring S shown in Replacement FIG. 2A is an example of the closing mechanism.

The Examiner also asserts that nothing in the drawings reflects that the “base” is removable. In response, Applicant respectfully submits that the use of a lock, such as the “black box” lock L of Replacement FIG. 2A, renders the base 18 removable. That is, the base 18 is

removable because it is held in place by the lock L.¹ Replacement FIG. 2A shows the base 18 connected to the body 10.

Withdrawn Claims

Claims 6, 10-13, 15-25, and 27-30 are withdrawn from consideration.

Applicant has amended dependent claims, 6, 10-13, 15-24, and 27 so that independent claim 1 is related to these claims as a “subcombination essential to combination,” as discussed at MPEP § 806.05(c)I. With the claims in this format, the proper examining procedure is to examine these combination claims.² In view of this amendment, Applicant respectfully requests the Examiner to examine these claims.

With respect to dependent method claims 28 and 29, Applicant respectfully requests the Examiner to re-join and allow these claims once linking claim 1 is allowed.³

Claim Rejection Under 35 U.S.C. § 112

Claims 1-5, 7-9, and 31 are rejected under 35 U.S.C. § 112, first paragraph, as allegedly failing to comply with the enablement requirement.

The Examiner asserts that one of ordinary skill would not have known how to make or use the lock feature of the invention based on the brief short disclosure regarding this feature. Specifically, the Examiner disagrees that the term “bi-lock” would be recognized by one of ordinary skill as the trademarked Bi-Lock.

¹ See Original Specification at page 7, lines 25-28.

² See MPEP at page 800-44.

³ See MPEP § 821.04

Although Applicant disagrees with Examiner's rejection because one of ordinary skill would certainly understand how a lock functions, Applicant directs the examiner's attention to prior art patent publication WO 00/14366,⁴ which discusses a bi-lock in some detail at, for example, page 5, lines 11 *et seq.*

In view of WO 00/14366, it is clear that one of ordinary skill would have understood how to make and use the cited lock at the time of the invention. That is, evidence regarding what was known to one of ordinary skill can be relied on to meet the enablement requirement under 35 U.S.C. § 112, first paragraph, even if certain known features are not disclosed in detail in the specification.⁵

In view of this evidence regarding what was known to one of ordinary skill at the time of invention, Applicant respectfully requests the Examiner to withdraw this §112 rejection.

Claim Rejection Under 35 U.S.C. § 102

Claims 1-3, 7-9, and 31 are rejected under 35 U.S.C. § 102(b) as being anticipated by Neihaus (US 2,934,285).

Claim 1

Applicant respectfully traverses the §102 rejection of claim 1 at least because Neihaus does not disclose all of the claim's recitations. For example, Neihaus does not disclose the claimed carrier including a base removably mounted to a second end of the housing opposite the

⁴ See concurrently filed IDS.

⁵ See, for example, *S3 Inc. v. nVIDIA Corp.*, 259 F.3d 1364, 59 USPQ2d 1745, 1749-50 (Fed. Cir. 2001). ("The law is clear that patent documents need not include subject matter that is known in the field of the invention and is in the prior art, for patents are written for persons experienced in the field of the invention.")

first, the base being removable to allow access to the cavity; and *a lock for retaining the base in place*.

The Examiner asserts that Neihaus' bolt and washer assembly 13 corresponds to the recited "lock." However, the Examiner is misconstruing the recitation "lock." A "lock" is a device operated by, for example, a key, combination, or keycard, and used for holding, closing, or securing.⁶ As used in claim 1, the recited lock allows the base of the claimed carrier to be removed from the housing.

In contrast, the bolt and washer assembly 13 of Neihaus provides a *permanent attachment* between the caps 4, 5 and the tube or cylinder 1.⁷ These caps 4, 5 do not need to be removable because, as shown in FIG. 1, Neihaus' cover 2 is removable.

Thus, Applicant respectfully requests the Examiner to withdraw the §102 rejection of claim 1.

Claims 2 and 31

Applicant respectfully traversing the §102 rejection of claims 2 and 31 at least because of their dependency from claim 1 and because Neihaus' bolt and washer assembly 13 is clearly not "a key locked mechanism" or a "dual key lock."

Claims 3 and 7-9

Applicant respectfully traversing the §102 rejection of claims 3 and 7-9 at least because of their dependency from claim 1.

⁶ See, example, The American Heritage® Dictionary of the English Language: Fourth Edition. 2000.

⁷ See Neihaus at 2:15-17 & 3:32-37.

Claim Rejection Under 35 U.S.C. § 103

Claims 1-3, 7-9, and 31 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Neihaus in view of Kalthoff (US 3,627,231) or Hawthorne (US 5,564,485).

With respect to the §103 rejection, Applicant respectfully traverses the rejection at least because there is no combination of Neihaus, Kalthoff, and Hawthorne that would reasonable meet all of the claims' recitations.

For example, as discussed above, Neihaus does not disclose a base removably mounted to a second end of the housing opposite the first, the base being removable to allow access to the cavity; and *a lock for retaining the base in place*. Instead, Neihaus merely discloses a bolt and washer assembly 13 that provides a *permanent attachment* between the caps 4, 5 and the tube or cylinder 1.⁸

Moreover, neither Kalthoff nor Hawthorne, which are cited as showing identifier control of a carrier, makes up for this deficiency.

⁸ See Neihaus at 2:15-17 & 3:32-37.

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Conclusion

In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

Respectfully submitted,

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